IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Bail Appl..No. 7693 of 2006()

C.R.NO.58/2006 OF NEYYATTINKARA EXCISE RANGE
CMP.4541/2006 of J.M.F.C.-III,NEYYATTINKARA

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PETITIONER/ACCUSED

THANKARAJAN, S/O. BHASKARAN NADAR,
MARUTHUNINNA KUZHIVILA VEEDU,
KANJIRAMKULAM DESOM, KANJIRAMKULAM VILLAGE,
NEYYATTINKARA TALUK.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING EXCISE INSPECTOR,
NEYYATTINKARA EXCISE RANGE.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7693 OF 2006

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DATED THIS THE 2ND DAY OF JANUARY, 2007

O R D E R

In this Petition filed under Sec.439 Cr.P.C. the petitioner who is the accused in Cr.No.58/06 of Neyyattinkara Excise Range for offences punishable under Sections 8(1) and 8(2) of the Abkari Act, for having been found in possession of 2 ½ litres of arrack on 23.11.2006, seeks his enlargement on bail. The petitioner was arrested on 24.11.2006.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in another case involving similar offence.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-